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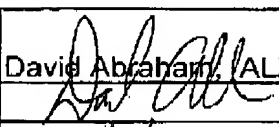
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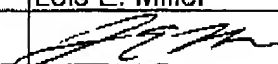
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/696,217	
	Filing Date	October 28, 2003	
	First Named Inventor	David E. EDGREN	
	Art Unit	1617	
	Examiner Name	WEBMAN, Edward J.	
Total Number of Pages in This Submission	5	Attorney Docket Number	AR02164USADIV2

ENCLOSURES <i>(Check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Response to Restriction Requirement (Species election) dated June 17, 2004.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	David Abraham, ALZA Corporation	
Signature		
Date	7/13/04	

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Typed or printed name	Lois E. Miller		
Signature		Date	07/13/2004

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Atty. Docket No.
AR02164USADIV2

CN 27777

Date: July 13, 2004 By: Lois E. Miller
7-13-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David E. EDGREN et al.

Serial No.: 10/696,217

Filed: October 28, 2003

For: ANTIDEPRESSANT DOSAGE
FORM

Group Art Unit: 1617

Examiner: WEBMAN, Edward J.

RESPONSE TO RESTRICTION
REQUIREMENTHonorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Sir:

This is a response to the restriction requirement dated June 17, 2004

Please amend the above-identified application as follows:

- ☐ Amendments to the Specification begins on page ____.
- ☐ Amendments to the Claims begin on page ____.
- ☐ No Amendments are made to the Claims, but a listing is provided beginning on page ____.
- ☐ Amendments to the Drawings begin on page ____.
- ☒ Remarks begin on page 2.
- ☐ An Appendix including ____ is attached following page ____ of this paper.

REMARKS

Claims 1-3, and 5-6 are pending in this application. This application is subject to a species election requirement.

Election Requirement (Species)

This amendment is filed in response to the Election Requirement mailed April 7, 2004. The Office has required that Applicants elect one of three different species identified by the Office:

Species A - Claims 1-3, to composition

Species B – Claim 5, to sustained release vehicle

Species C – Claim 6, to push composition

Applicants elect, with traverse, Species A.

Applicants traverse the election of species requirement on the basis that the Office has not shown either that the identified three species are independent or that the identified species are related and distinct.

To find that the identified species are independent, the Office must show that the species are unconnected in design, operation or effect under the present disclosure. MPEP § 808.01. At least a minimal statement of the facts relied on for this conclusion is necessary for the Office to establish a prima facie case for requiring an election of species on this basis. The Office has provided absolutely no evidence on this issue.

To find that the identified species are related and distinct, the Office must state the relationship, and provide evidence of distinctness. MPEP §§ 806.05(c)-806.05(i), 808.02. At least a minimal statement of the analysis relied on for this conclusion is necessary for the Office to establish a prima facie case for requiring an election of species on this basis. The Office has provided absolutely no such analysis on this issue.

Finally, Applicants point out that Applicants are entitled to claim a reasonable number of species. 37 CFR § 141(a). The Office has identified a total of 3 species. Applicants submit that this is a reasonable number of species to claim and to have examined in the subject application.

For any or all of these reasons, Applicants request the withdrawal of the above species election requirement. The Office has identified that claims 1-3 read upon Species A. The Office has further stated that the compositions of Species A are generic.

The Office additionally requires that Applicants, upon election of Species A, further elect one of the polymers recited in Claims 1-3. Applicants elect a cellulose polymer as set forth in claim 2, with traverse.

Applicants traverse on the basis that Applicants are entitled to claim a reasonable number of species. 37 CFR § 141(a). The Office has identified a total of 3 species of polymers. Applicants submit that this is a reasonable number of species to claim and to have examined in the subject application. For these reasons, Applicants request the withdrawal of the above species election requirement.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,



Attorney for Applicants

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Attorney Docket No: AR02164USADIV2
Response to Restriction Requirement dated June 17, 2004
Application No. 10/696,217

Page 4 of 4